

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2:22-cv-203-JRG
	)	
MICRON TECHNOLOGY, INC.; MICRON	)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;	)	
MICRON TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	
	)	

---

**DEFENDANTS’ SECOND NOTICE OF DETERMINATIONS INVALIDATING  
PATENTS-IN-SUIT RELEVANT TO DEFENDANTS’  
PENDING MOTION TO STAY (DKT. NO. 80)**

Pursuant to this Court’s Standing Order Requiring Notice of Relevant Determinations from Related Proceedings, Defendants respectfully file this notice of recent events. This week, the Patent Trial and Appeal Board (“PTAB”) determined that all asserted claims in U.S. Patent Nos. 11,016,918 and 11,232,054 were unpatentable.<sup>1</sup> The PTAB previously determined that all claims of U.S. Patent Nos. 10,860,506 and 10,949,339 were unpatentable. Taken together all patent claims asserted against Micron’s past sales of accused products have been determined unpatentable.

The status of *inter partes* review challenges for the asserted patents are as follows:

Asserted Patent	Status
U.S. Patent No. 10,860,506	All claims found invalid in IPR2023-00205 on October 17, 2023. Netlist informed the Court

---

<sup>1</sup> *Samsung Elecs. Co. Ltd., et. al. v. Netlist, Inc.*, IPR2023-00999, Paper 51 (PTAB Dec. 5, 2023) (determining claims 1–30 of the ’054 patent to be unpatentable) (Hopkins Decl., Ex. A); *Samsung Elecs. Co. Ltd., et. al. v. Netlist, Inc.*, IPR2023-00996, Paper 49 (PTAB Dec. 6, 2023) (determining claims 1–30 of the ’918 patent to be unpatentable) (Hopkins Decl., Ex. B).

Asserted Patent	Status
	on October 23, 2023 that it is no longer pursuing infringement of any claim in '506 patent.
U.S. Patent No. 10,949,339	All claims found invalid in IPR2023-00204 on October 18, 2023. Netlist informed the Court on October 23, 2023 that it is no longer pursuing infringement of any claim in '339 patent.
U.S. Patent No. 11,232,054	All claims found invalid in IPR2023-00999 on December 5, 2023.
U.S. Patent No. 11,016,918	All claims found invalid in IPR2023-00996 on December 6, 2023.
U.S. Patent No. 8,787,060 <sup>2</sup>	Challenged in IPR2023-00882 - Final Written Decision anticipated by April 12, 2024.
U.S. Patent No. 9,318,160 <sup>2</sup>	Challenged in IPR2023-00883 - Final Written Decision anticipated by April 12, 2024.

Dated: December 7, 2023

Respectfully submitted,

/s/ Michael R. Rueckheim

Thomas M. Melsheimer  
State Bar No. 13922550  
TMelsheimer@winston.com  
Natalie Arbaugh  
State Bar No. 24033378  
NArbaugh@winston.com  
WINSTON & STRAWN LLP  
2121 N. Pearl Street, Suite 900  
Dallas, TX 75201  
Telephone: (214) 453-6500  
Facsimile: (214) 453-6400

David P Enzminger (*pro hac vice*)  
denzminger@winston.com  
WINSTON & STRAWN LLP  
333 South Grand Avenue, 38th Floor  
Los Angeles, CA 90071-1543  
Telephone: (213) 615-1700  
Facsimile: (213) 615-1750

<sup>2</sup> The PTAB instituted Micron's petitions that challenged all asserted claims of U.S. Patent Nos. 8,787,060 and 9,318,160. *Micron Tech., Inc., et. al. v. Netlist, Inc.*, IPR2023-00882, Paper 7 (PTAB Oct. 26, 2023) (Hopkins Decl., Ex. C); *Micron Tech., Inc., et. al. v. Netlist, Inc.*, IPR2023-00883, Paper 7 (PTAB Oct. 26, 2023) (Hopkins Decl., Ex. D).

Michael R. Rueckheim  
State Bar No. 24081129  
MRueckheim@winston.com  
Ryuk Park (*pro hac vice*)  
RPark@winston.com  
Matthew R. McCullough  
MRMcCullough@winston.com  
WINSTON & STRAWN LLP  
255 Shoreline Drive, Suite 520  
Redwood City, CA 94065  
Telephone: (650) 858-6500  
Facsimile: (650) 858-6559

Matthew Hopkins (*pro hac vice*)  
State Bar No. 1500598  
mhopkins@winston.com  
WINSTON & STRAWN LLP  
1901 L Street, N.W.  
Washington, D.C. 20036  
Telephone: (202) 282-5000  
Facsimile: (202) 282-5100

William M. Logan  
State Bar No. 24106214  
wlogan@winston.com  
Juan C. Yaquian (*pro hac vice*)  
State Bar No. 24110559  
JYaquian@winston.com  
WINSTON & STRAWN LLP  
800 Capital Street, Suite 2400  
Houston, TX 77002  
Telephone: (713) 651-2600  
Facsimile: (713) 651-2700

Vivek V. Krishnan (*pro hac vice*)  
vkrishnan@winston.com  
WINSTON & STRAWN LLP  
35 West Wacker Drive, Suite 4200  
Chicago, IL 60601  
Telephone: 312-558-9508  
Facsimile: 312-558-5700

Wesley Hill  
State Bar No. 24032294  
wh@wsfirm.com  
Andrea Fair  
State Bar No. 24078488  
andrea@wsfirm.com  
Charles Everingham IV  
State Bar No. 00787447  
ce@wsfirm.com  
WARD, SMITH & HILL, PLLC  
1507 Bill Owens Parkway  
Longview, TX 75604

Telephone: (903) 757-6400  
Facsimile: (903) 757-2323

**ATTORNEYS FOR DEFENDANTS  
MICRON TECHNOLOGY, INC.,  
MICRON SEMICONDUCTOR PRODUCTS,  
INC., MICRON TECHNOLOGY TEXAS, LLC**

**CERTIFICATE OF SERVICE**

I certify that, on December 7, 2023, a copy of the foregoing was served on all counsel of record via the Court's ECF system.

/s/ Michael R. Rueckheim

Michael R. Rueckheim